

AMENDED IN SENATE MAY 15, 2000

AMENDED IN SENATE MAY 8, 2000

SENATE BILL

No. 1811

Introduced by Senators Johannessen and Karnette

February 23, 2000

An act to amend Section 44011 of, and to add Section 44017.4 to, the Health and Safety Code, and to amend Sections ~~580, 4000.1,~~ 4000.1 and 4153 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1811, as amended, Johannessen. Vehicles.

(1) Existing law requires all motor vehicles powered by internal combustion engines that are registered within an area designated for program coverage, as specified, to obtain, biennially, a certificate of compliance or noncompliance, except for certain vehicles, including, prior to January 1, 2003, a motor vehicle manufactured prior to the 1974 model-year and, on and after January 1, 2003, a motor vehicle that is 30 or more model-years old.

This bill would revise that exception to apply to any motor vehicle manufactured prior to the 1975 model-year.

(2) Existing law requires the Department of Motor Vehicles, with certain exceptions, upon initial registration, and upon transfer of ownership and registration, of prescribed motor vehicles, and upon registration of a motor vehicle previously registered outside the state, as specified, to require a valid certificate of compliance or a certificate of

noncompliance, as specified. Existing law exempts from this requirement, prior to January 1, 2003, the transfer of ownership or registration of a motor vehicle that was manufactured prior to the 1974 model-year and, on and after January 1, 2003, the transfer of ownership or registration of a motor vehicle that is 30 or more model-years old.

This bill would revise that exception to apply to a motor vehicle that was manufactured prior to the 1975 model-year.

~~(3) Existing law defines a “specially constructed vehicle” to mean a vehicle that is built for private use, not for resale, that is not constructed by a licensed manufacturer or remanufacturer.~~

~~This bill would revise the definition by deleting the restriction that the vehicle not be subject to resale.~~

~~(4) Existing law requires an applicant for the registration of a specially constructed vehicle or remanufactured vehicle to include prescribed information in the registration application.~~

This bill would require the department, upon initial registration of any specially constructed vehicle that is a passenger vehicle or pickup truck that has a specified certificate, to record the model-year of that vehicle, as stated in the certificate.

The bill would require a passenger vehicle or pickup truck that is a specially constructed vehicle to be inspected by stations authorized to perform referee functions, as prescribed. Upon completion of the inspection, the referee would be required to affix the tamper resistant label to the vehicle and issue a certificate that establishes the vehicle model-year and emission control system application.

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 44011 of the Health and Safety Code is amended to read:

44011. (a) All motor vehicles powered by internal combustion engines that are registered within an area designated for program coverage shall be required biennially to obtain a certificate of compliance or noncompliance, except for all of the following:

(1) Every motorcycle, and every diesel-powered vehicle, until the department, pursuant to Section 44012, implements test procedures applicable to motorcycles or to diesel-powered vehicles, or both.

(2) Any motor vehicle that has been issued a certificate of compliance or noncompliance or a repair cost waiver upon a change of ownership or initial registration in this state during the preceding six months.

(3) Any motor vehicle manufactured prior to the 1975 model-year.

(4) (A) Any motor vehicle four or less model-years old.

(B) The department, by regulation, may increase the exemption provided by this paragraph to include any motor vehicle up to six or less model-years old.

(C) Any motor vehicle excepted by this paragraph shall be subject to testing and to certification requirements as determined by the department, if any of the following apply:

(i) The department determines through remote sensing activities or other means that there is a substantial probability that the vehicle has a tampered emission control system or would fail for other cause a smog check test as specified in Section 44012.

(ii) The vehicle was previously registered outside this state and is undergoing initial registration in this state.

(iii) The vehicle is being registered as a specially constructed vehicle.

(iv) The vehicle has been selected for testing pursuant to Section 44014.7 or any other provision of this chapter authorizing out-of-cycle testing.

1 (5) In addition to the vehicles exempted pursuant to
2 paragraph (4), any motor vehicle or class of motor
3 vehicles exempted pursuant to subdivision (b) of Section
4 44024.5. It is the intent of the Legislature that the
5 department, pursuant to the authority granted by this
6 paragraph, exempt at least 15 percent of the lowest
7 emitting motor vehicles from the biennial smog check
8 inspection.

9 (6) Any motor vehicle that the department
10 determines would present prohibitive inspection or
11 repair problems.

12 (7) Any vehicle registered to the owner of a fleet
13 licensed pursuant to Section 44020 if the vehicle is
14 garaged exclusively outside the area included in program
15 coverage, and is not primarily operated inside the area
16 included in program coverage.

17 (b) Vehicles designated for program coverage in
18 enhanced areas shall be required to obtain inspections
19 from appropriate smog check stations operating in
20 enhanced areas.

21 SEC. 2. Section 44017.4 is added to the Health and
22 Safety Code, to read:

23 44017.4. Upon initial registration with the
24 Department of Motor Vehicles, a passenger vehicle or
25 pickup truck that is a specially constructed vehicle, as
26 defined in Section 580 of the Vehicle Code, shall be
27 inspected by stations authorized to perform referee
28 functions. This inspection shall be for the purposes of
29 determining the vehicle model-year and emission control
30 system application. In determining the model-year, the
31 referee shall compare the vehicle to vehicles of the era
32 that the vehicle most closely resembles. The referee shall
33 assign the 1960-model-year to any specially constructed
34 vehicle that does not sufficiently resemble a previously
35 manufactured vehicle. The referee shall require only
36 those emission control systems that are applicable to the
37 established model-year and that the vehicle reasonably
38 accommodates of those systems, in its present form. Upon
39 completion of the inspection, the referee shall affix the
40 tamper resistant label to the vehicle and issue a certificate



1 that establishes the vehicle model-year and emission
2 control system application.

3 ~~SEC. 3. Section 580 of the Vehicle Code is amended~~
4 ~~to read:~~

5 ~~580. A “specially constructed vehicle” is a vehicle~~
6 ~~which is built for private use and is not constructed by a~~
7 ~~licensed manufacturer or remanufacturer. A specially~~
8 ~~constructed vehicle may be built from (1) a kit; (2) new~~
9 ~~or used, or a combination of new and used, parts; or (3)~~
10 ~~a vehicle reported for dismantling, as required by Section~~
11 ~~5500 or 11520, which, when reconstructed, does not~~
12 ~~resemble the original make of the vehicle dismantled. A~~
13 ~~specially constructed vehicle is not a vehicle which has~~
14 ~~been repaired or restored to its original design by~~
15 ~~replacing parts.~~

16 ~~SEC. 4.—~~

17 ~~SEC. 3. Section 4000.1 of the Vehicle Code is amended~~
18 ~~to read:~~

19 4000.1. (a) Except as otherwise provided in
20 subdivision (b), (c), or (d) of this section, or subdivision
21 (b) of Section 43654 of the Health and Safety Code, the
22 department shall require upon initial registration, and
23 upon transfer of ownership and registration, of any motor
24 vehicle subject to Part 5 (commencing with Section
25 43000) of Division 26 of the Health and Safety Code, and
26 upon registration of a motor vehicle previously registered
27 outside this state which is subject to those provisions of
28 the Health and Safety Code, a valid certificate of
29 compliance or a certificate of noncompliance, as
30 appropriate, issued in accordance with Section 44015 of
31 the Health and Safety Code.

32 (b) With respect to new vehicles certified pursuant to
33 Chapter 2 (commencing with Section 43100) of Part 5 of
34 Division 26 of the Health and Safety Code, the
35 department shall accept a statement completed pursuant
36 to subdivision (b) of Section 24007 in lieu of the certificate
37 of compliance.

38 (c) For purposes of determining the validity of a
39 certificate of compliance or noncompliance submitted in
40 compliance with the requirements of this section, the

1 definitions of new and used motor vehicle contained in
2 Chapter 2 (commencing with Section 39010) of Part 1 of
3 Division 26 of the Health and Safety Code shall control.

4 (d) Subdivision (a) does not apply to a transfer of
5 ownership and registration under any of the following
6 circumstances:

7 (1) In any district in which biennial certification is
8 required and a valid certificate was issued in connection
9 with the most recent renewal of registration of the
10 vehicle, and the transfer occurred not more than 60 days
11 following the date by which that renewal of registration
12 was required.

13 (2) The transferor is either the parent, grandparent,
14 sibling, child, grandchild, or spouse of the transferee.

15 (3) A vehicle registered to a sole proprietorship is
16 transferred to the proprietor as owner.

17 (4) The transfer is between companies whose
18 principal business is leasing vehicles, if there is no change
19 in the lessee or operator of the vehicle or between the
20 lessor and the person who has been, for at least one year,
21 the lessee's operator of the vehicle.

22 (5) The transfer is between the lessor and lessee of the
23 vehicle, if there is no change in the lessee or operator of
24 the vehicle.

25 (6) The motor vehicle was manufactured prior to the
26 1975 model-year.

27 (e) The State Air Resources Board, under Part 5
28 (commencing with Section 43000) of Division 26 of the
29 Health and Safety Code, may exempt designated
30 classifications of motor vehicles from subdivision (a) as it
31 deems necessary, and shall notify the department of that
32 action.

33 (f) Subdivision (a) does not apply to a motor vehicle
34 when an additional individual is added as a registered
35 owner of the vehicle.

36 ~~SEC. 5.—~~

37 *SEC. 4.* Section 4153 of the Vehicle Code is amended
38 to read:

39 4153. (a) If the vehicle to be registered is a specially
40 constructed or remanufactured vehicle, the application

1 shall also state that fact and contain additional
2 information as may reasonably be required by the
3 department to enable it properly to register the vehicle.

4 (b) Upon initial registration of any specially
5 constructed vehicle that is a passenger vehicle or pickup
6 truck that has a certificate issued pursuant to Section
7 44017.4 of the Health and Safety Code, the department
8 shall record the model-year of the vehicle, as stated in the
9 certificate.

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